

Amendments to the Claims:

This listing of claims will replace all prior versions and listings of claims in the application:

Listing of Claims:

1 Claim 1 (currently amended): An isolated and/or recombinant
2 nucleic acid comprising a ~~tissue specific promoter or~~
3 ~~functional fragment thereof~~ a nucleic acid sequence as shown
4 from about position -778 to about position -422 in Figure 1
5 or a nucleic acid functionally equivalent thereto, allowing
6 for expression of a nucleic acid of interest operably linked
7 to said promoter or functional fragment thereof in a cancer
8 cell wherein said expression in said cancer cell is
9 ~~essentially carcinoma epithelium-selective.~~

1 Claim 2 (original): A nucleic acid according to claim 1
2 wherein said carcinoma comprises lung carcinoma.

Claim 3 (canceled)

1 Claim 4 (currently amended): A nucleic acid according to
2 claim ~~31 of~~ derived from a human origin.

1 Claim 5 (previously presented): A nucleic acid according to
2 claim 1 further comprising a nucleic acid of interest.

1 Claim 6 (currently amended): A nucleic acid according to
2 claim 1 further comprising an ~~inducible~~ inducible or
3 suppressible promoter or functional fragment thereof.

1 Claim 7 (previously presented): A nucleic acid according to
2 claim 1 further comprising a suicide gene or functional
3 fragment thereof.

1 Claim 8 (previously presented): A vector comprising a
2 nucleic acid according to claim 1.

1 Claim 9 (previously presented): A gene delivery vehicle
2 comprising a nucleic acid according to claim 1.

1 Claim 10 (previously presented): A host cell comprising a
2 nucleic acid according to claim 1.

Claims 11-13 (withdrawn)

1 Claim 14 (previously presented): A medicament comprising a
2 nucleic acid according to claim 1.

Claims 15-18 (withdrawn)

1 Claim 19 (new): A method for the manufacture of a fusion
2 construct allowing for epithelium-selective gene expression
3 comprising the steps of

4 (a) constructing a genetic fusion of a nucleic acid as
5 shown from about -778 to about position -422 in
6 Fig. 1, or a nucleic acid functionally equivalent
7 thereto, operably linked to a gene of interest,

8 (b) introducing the fusion construct in an epithelial
9 cell and in a non-epithelial cell and allowing
10 expression of the fusion construct; and

11 (c) determining whether said fusion construct is
12 expressed in an epithelium-selective fashion.

13 Claim 20 (new): A method in accordance with claim 19 wherein
14 said gene of interest is a suicide gene.

1 Claim 21 (new): A method in accordance with claim 20 wherein
2 said suicide gene is thymidine kinase or cytosine
3 deaminase (CD).

1 Claim 22 (new): A fusion construct allowing for epithelium
2 selective gene expression obtained in accordance with the
3 method of claim 19.

1 Claim 23 (new): A medicament comprising a fusion construct
2 in accordance with claim 22.